

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Rome
D3md
OCT 22 2003

By: LUTHER D. THOMAS, Clerk
Deputy Clerk

IN RE: TRI-STATE
CREMATORY LITIGATION

MDL DOCKET NO. 1467

This Order relates to:

ALL CASES

ORDER

This case is before the Court on the Motion for Relief from August 16, 2002, Order [526] filed on behalf of Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company.

Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company have reached a tentative settlement agreement with Plaintiffs. Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company consequently seek relief from any further contribution toward payment of lead/liaison counsel fees and expenses or any expenses incurred jointly by the Funeral Home Defendants.

The Court finds that the request made by Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company is appropriate. The Court therefore relieves Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company from responsibility for, and liability for, payment of the fees and expenses of liaison counsel and expenses incurred jointly by the

Funeral Home Defendants accruing after September 4, 2003, the date that the Court tentatively approved the settlement involving Plaintiffs and Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company. If the settlement between Plaintiffs and Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company does not actually take place, the Court will issue an Order requiring Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company to participate in fees and expenses of liaison counsel and expenses incurred jointly by the Funeral Home Defendants relating to discovery that accrue after September 4, 2003, if the Court finds that such discovery has benefitted Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company.

ACCORDINGLY, the Court **GRANTS** the Motion for Relief from August 16, 2002, Order filed on behalf of Tracy City, LLC, d/b/a Defendant Foster & Lay, and Westfield Insurance Company [526].

IT IS SO ORDERED, this the 22nd day of October, 2003.


UNITED STATES DISTRICT JUDGE